

HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA
MOBILITY, INC., and GENERAL
INSTRUMENT CORPORATION,

Defendants.

No. C10-1823-JLR

REVISED AGREED MOTION
TO SET/RE-SET
PRE-TRIAL DEADLINES AND
(PROPOSED) ORDER

**NOTE ON MOTION CALENDAR:
Thursday, August 16, 2012**

MOTOROLA MOBILITY, INC., and
GENERAL INSTRUMENT
CORPORATION,

Plaintiffs/Counterclaim Defendant,

v.

MICROSOFT CORPORATION,

Defendant/Counterclaim Plaintiff.

REVISED AGREED MOTION TO
SET/RE-SET PRE-TRIAL DEADLINES
AND (PROPOSED) ORDER

LAW OFFICES
CALFO HARRIGAN LEYH & EAKES LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL., (206) 623-1700 FAX, (206) 623-8717

1 Microsoft Corporation (“Microsoft”) and Motorola Mobility, Inc. (“Motorola
2 Mobility”) and General Instrument Corporation (“General Instrument”) (collectively,
3 “Motorola”) respectfully submit this joint request to set/re-set certain pretrial deadlines.

4 The parties hereby withdraw their Agreed Motion to Set/Re-Set Pre-Trial Deadlines
5 filed on Tuesday, August 14, (Dkt. No. 379) based on a concern that the parties’ proposed
6 briefing schedule for *Daubert* motions failed to provide the Court adequate time to consider
7 those motions.

8 The purpose of this Revised Agreed Motion is to clarify the current schedule outlined
9 in the Court’s June 18, 2012 Minute Entry (Dkt. No. 346) by: (1) setting an agreed briefing
10 schedule for *Daubert* motions (with opening and responsive briefs limited to 24 pages per side,
11 and reply briefs limited to 12 pages per side¹), which will cause all *Daubert* motions to be
12 noted by the Court’s September 10, 2012 deadline for substantive motions to be fully briefed;
13 (2) clarifying the relevant deadlines for *motions in limine* (calculated pursuant to Local Civil
14 Rule 7(d)(4)); and (3) setting a deadline for the parties’ submission of trial briefs. These
15 proposed clarifications are set forth in the table below, which compares the current dates
16 established in accordance with the Court’s Minute Entry with the parties’ proposed dates²:

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23 ¹ The parties are requesting additional pages because each *Daubert* motion is expected to be directed at multiple
24 experts. However, a number of expert-specific arguments are likely to revolve around broader themes. The
25 parties therefore believe that addressing all issues in a single overlength motion, rather than multiple motions,
would be more efficient both for the parties and the Court, resulting in fewer total pages of briefing and in
Daubert briefs that consolidate the issues, instead of presenting them piecemeal.

² Where the current date is identical to the proposed date, that date is listed only once.

EVENT	CURRENT DATE	PROPOSED DATE
Deadline for filing dispositive motions ³	8/16	
Close of expert discovery	8/22	
Deadline for filing non-dispositive motions (other than <i>Daubert</i> motions and <i>motions in limine</i>)	8/23	
Deadline to file <i>Daubert</i> motions (one motion per side, limited to 24 pages)	8/23	8/27
Deadline to file oppositions to <i>Daubert</i> motions (24 pages per side)	--	9/5 (noon)
Deadline to file replies to <i>Daubert</i> motions (12 pages per side)	--	9/10
Deadline for all motions to be fully briefed and noted on the motion calendar (other than <i>motions in limine</i>)	9/10	
Microsoft to serve pretrial statement	9/24	
Motorola to serve pretrial statement	10/4	
Deadline to file <i>motions in limine</i>	--	10/11
Deadline to file oppositions to <i>motions in limine</i>	--	10/22
Pretrial order to be filed	10/24	
Last day to note <i>motions in limine</i>	--	10/26
Pretrial conference	10/29	
Trial briefs due	--	11/6
Trial	11/13	

³ This deadline is included for completeness only; neither party intends to file any additional dispositive motions.

These requested clarifications are not expected to cause any unnecessary delay or create any undue burden for the Court. In particular, they comport with the Court's existing deadline of September 10 for substantive "motions to be fully briefed and noted." Accordingly, the parties jointly request that the Court adopt the parties' revised proposed schedule, set forth above.

DATED this 16th day of August, 2012.

AGREED AND STIPULATED TO:

CALFO HARRIGAN LEYH & EAKES LLP SUMMIT LAW GROUP PLLC

By /s/ Christopher Wion
 Arthur W. Harrigan, Jr., WSBA #1751
 Christopher Wion, WSBA #33207
 Shane P. Cramer, WSBA #35099

T. Andrew Culbert, WSBA #35925
 David E. Killough, WSBA #21119
 MICROSOFT CORPORATION
 1 Microsoft Way
 Redmond, WA 98052
 Phone: 425-882-8080
 Fax: 425-869-1327

David T. Pritikin, (*pro hac vice*)
 Richard A. Cederoth, (*pro hac vice*)
 Ellen Robbins, (*pro hac vice*)
 Douglas I. Lewis, (*pro hac vice*)
 John W. McBride, (*pro hac vice*)
 SIDLEY AUSTIN LLP
 One South Dearborn
 Chicago, IL 60603
 Phone: 312-853-7000
 Fax: 312-853-7036

By /s/ Philip S. McCune
 Ralph Palumbo, WSBA #4751
 Philip S. McCune, WSBA #21081
 Lynn M. Engel, WSBA #21934
philm@summitlaw.com
lynne@summitlaw.com

Steven Pepe (*pro hac vice*)
 Jesse J. Jenner (*pro hac vice*)
 Stuart W. Yothers (*pro hac vice*)
 Kevin J. Post (*pro hac vice*)
 Ropes & Gray LLP
 1211 Avenue of the Americas
 New York, NY 10036-8704
 (212) 596-9046
steven.pepe@ropesgray.com
jesse.jenner@ropesgray.com
stuart.yothers@ropesgray.com

Norman H. Beamer (*pro hac vice*)
 Gabrielle E. Higgins (*pro hac vice*)
 Ropes & Gray LLP
 1900 University Avenue, 6th Floor
 East Palo Alto, CA 94303-2284
 (650) 617-4030
norman.beamer@ropesgray.com
gabrielle.higgins@ropesgray.com

1 Brian R. Nester, (*pro hac vice*)
2 Kevin C. Wheeler, (*pro hac vice*)
3 SIDLEY AUSTIN LLP
4 1501 K Street NW
5 Washington, DC 20005
6 Telephone: 202-736-8000
7 Fax: 202-736-8711

8 **Counsel for Microsoft Corp.**

Paul M. Schoenhard (*pro hac vice*)
Ropes & Gray LLP
One Metro Center
700 12th Street NW, Suite 900
Washington, DC 20005-3948
(202) 508-4693
paul.schoenhard@ropesgray.com
kevin.post@ropesgray.com

**Counsel for Motorola Solutions, Inc.,
Motorola Mobility, Inc., and General
Instrument, Corp.**

9 **IT IS SO ORDERED**

10 DONE IN OPEN COURT this ___ day of _____, 2012.

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13 HONORABLE JAMES L. ROBERT
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